

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

## **G&H DIVERSIFIED MANUFACTURING, LP,**

## Plaintiff,

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2008

**DYNAENERGETICS EUROPE GMBH, and  
DYNAENERGETICS US, INC.,**

**Civil Action No. 3:20-cv-00376**

## Defendants.

## **JURY TRIAL DEMANDED**

## JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court’s Docket Control Order Through Markman (Dkt. No. 32) and P.R. 4-3, Plaintiff and Counterclaim Defendant G&H Diversified Manufacturing, LP, Counterclaim Defendant Yellow Jacket Oil Tools, LLC (collectively “Counterclaim Defendants”), and Defendants and Counterclaim Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively “DynaEnergetics”) disclose the following constructions for identified terms within U.S. Patent No. 10,844,697 (“the ’697 Patent”).

**Claim Terms and Constructions:**

<b><u>Claim term</u></b>	<b><u>Claims</u></b>	<b><u>Counterclaim Defendants' Construction and</u></b>	<b><u>DynaEnergetics' Construction</u></b>
tandem seal adapter	1	<p>“adapter configured to form a seal between two gun carriers that are directly attached to each other”</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>G&amp;H000557-59 (available at <a href="http://oilgasglossary.com/sub.html">http://oilgasglossary.com/sub.html</a>)</p> <p>G&amp;H000560-61 (available at <a href="https://drillingmatters.iadc.org/glossary/sub/">https://drillingmatters.iadc.org/glossary/sub/</a>)</p> <p>G&amp;H000415-556 (Declaration of John Rodgers, Ph.D., Ex. 2002 to PGR 2020-00080)</p> <p>G&amp;H000001-144 (Declaration of Julie Giardina in Support of DynaEnergetics Motion for Preliminary Injunction, <i>DynaEnergetics Europe GmbH et al v. OSO Perforating, LLC</i>, Case No. 3:21-cv-00188 at Dkt. 25-1 (N.D. Tex., May 28, 2021))</p> <p>G&amp;H000144-310 (Declaration of Julie Giardina in Support of DynaEnergetics Motion</p>	<p>“Plain and ordinary meaning”</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Testimony of Dr. John Rodgers</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'697 Patent, DYNA_697_0001091, at Claims 1, 4, 5, 8, 9, 13, 14, 2:1-16, 3:49-4:67, 5:42-55, 6:28-7:12, 7:35-8:62, 9:4-10:17, and Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding descriptions</p> <p>'697 Patent File History, DYNA_697_0000001, at DYNA_697_0000068-73, DYNA_697_0000285-90, DYNA_697_0000308-313, DYNA_697_0000529-535, DYNA_697_0000675-678, DYNA_697_0000797-798, DYNA_697_0000801-803, DYNA_697_0000805, DYNA_697_0000809,</p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		<p>for Preliminary Injunction, <i>DynaEnergetics Europe GmbH et al v. SWM International, LLC</i>, Case No. 3:21-cv-00192 at Dkt. 34-1 (N.D. Tex., May 28, 2021))</p> <p>G&amp;H000585-630 (Available at <a href="https://www.dmcglobal.com/-/media/Project/DMC/DMCGlobal/Investor-Presentations/August-2019-IR-Deck-web.pdf">https://www.dmcglobal.com/-/media/Project/DMC/DMCGlobal/Investor-Presentations/August-2019-IR-Deck-web.pdf</a>)</p> <p>G&amp;H000631-633 (Available at <a href="https://dynaenergetics.com/news-and-events/New-News-Folder/DynaEnergetics-Surpasses-One-Million-DynaStage-System-Sales">https://dynaenergetics.com/news-and-events/New-News-Folder/DynaEnergetics-Surpasses-One-Million-DynaStage-System-Sales</a>)</p> <p>G&amp;H000634-635 (Available at <a href="https://dynastage.com/-/media/Project/DMC/DynaStage/Dynastage_SAFETY_323.pdf">https://dynastage.com/-/media/Project/DMC/DynaStage/Dynastage_SAFETY_323.pdf</a>)</p> <p>Testimony of Dr. Gary Wooley</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><u>'697 Patent</u>: Claims 1, 4, 5, 8, 9, 13, 14; Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding description; 2:1-16; 3:49-4:67; 5:42-55; 6:28-7:12 7:35-8:62; 9:1-10:17</p>	<p>DYNA_697_0000811-12,  DYNA_697_0000902-903,  DYNA_697_0000906-908,  DYNA_697_0000910, DYNA_697_0000914,  DYNA_697_0000917,  DYNA_697_0000945-946,  DYNA_697_0001000-1003,  DYNA_697_0001010-1011,  DYNA_697_0001013-1019,</p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		<u>Prosecution History of '697 Patent:</u> November 12, 2019 Non-Final Rejection; February 12, 2020 Claim Amendments and Applicant Argument and Remarks in Response to Nov. 12, 2019 Non-Final Rejection; March 6, 2020 Notice of Allowance; March 26, 2020 Post Allowance Communication; March 26, 2020 Information Disclosure Statement; March 31, 2020 Notice of Allowance; April 22, 2020 Request for Continued Examination; April 22, 2020 Information Disclosure Statement; June 19, 2020 Office Action Appendices; June 19, 2020 Examiner Interview Summary Record; June 19, 2020 Notice of Allowance; June 26, 2020 Request for Continued Examination; June 26, 2020 Information Disclosure Statement; July 20, 2020 Information Disclosure Statement; August 5, 2020 Examiner Interview Summary Record; August 5, 2020 Notice of Allowance	
connected to	1	“joined or coupled together”  <u>Extrinsic Evidence:</u>  DYNA 697 0003515, Connected, <i>Cambridge</i>	“joined or coupled in a manner that resists separation and not merely by physical contact”  <u>Extrinsic Evidence:</u>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		<p><i>Advanced Learner's Dictionary &amp; Thesaurus</i>, available at <a href="https://dictionary.cambridge.org/us/dictionary/english/connected">https://dictionary.cambridge.org/us/dictionary/english/connected</a> (last accessed June 10, 2021)</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><u>'697 Patent</u>: Claims 1, 9, 14; Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding description; 2:1-16; 3:49-4:67; 5:42-55; 6:28-7:12 7:35-8:62; 9:1-10:17</p> <p><u>Prosecution History of '697 Patent</u>: November 12, 2019 Non-Final Rejection; February 12, 2020 Claim Amendments and Applicant Argument and Remarks in Response to Nov. 12, 2019 Non-Final Rejection; March 6, 2020 Notice of Allowance; March 26, 2020 Post Allowance Communication; March 26, 2020 Information Disclosure Statement; March 31, 2020 Notice of Allowance; April 22, 2020 Request for Continued Examination; April 22, 2020 Information Disclosure Statement; June 19, 2020 Office Action Appendices; June 19, 2020 Examiner Interview Summary Record; June 19, 2020 Notice of Allowance; June 26, 2020 Request for Continued Examination; June 26, 2020 Information Disclosure Statement; July 20, 2020 Information</p>	<p>Testimony of Dr. John Rodgers; DYNA_697_0003515, Connected, <i>Cambridge Advanced Learner's Dictionary &amp; Thesaurus</i>, available at <a href="https://dictionary.cambridge.org/us/dictionary/english/connected">https://dictionary.cambridge.org/us/dictionary/english/connected</a> (last accessed June 10, 2021)</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'697 Patent, DYNA_697_0001091, at Claims 1, 9, 14, 2:1-16, 3:49-4:67, 5:42-55, 6:28-7:12, 7:35-8:62, 9:4-10:17, and Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding descriptions</p> <p>'697 Patent File History, DYNA_697_0000001, at DYNA_697_0000068, DYNA_697_0000071, DYNA_697_0000073, DYNA_697_0000285-290, DYNA_697_0000308-313, DYNA_697_0000531-532, DYNA_697_0000792, DYNA_697_0000799, DYNA_697_0000802-803, DYNA_697_0000808, DYNA_697_0001006,</p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		Disclosure Statement; August 5, 2020 Examiner Interview Summary Record; August 5, 2020 Notice of Allowance	DYNA_697_0001012, DYNA_697_0001015-1016,
first end/second end	1	<p>“first outermost edge lengthwise”</p> <p>“second outermost edge lengthwise”</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>G&amp;H000391-405 (available at <a href="https://www.merriam-webster.com/dictionary/end">https://www.merriam-webster.com/dictionary/end</a>)</p> <p>G&amp;H000367-381 (available at <a href="https://dictionary.cambridge.org/us/dictionary/english/end">https://dictionary.cambridge.org/us/dictionary/english/end</a>)</p> <p>G&amp;H000382-390 (available at <a href="https://www.dictionary.com/browse/end">https://www.dictionary.com/browse/end</a>)</p> <p>G&amp;H000406-414 (available at <a href="https://www.lexico.com/en/definition/end">https://www.lexico.com/en/definition/end</a>)</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><u>’697 Patent:</u> Claims 1, 4, 5, 9, 13, 14, 15; Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding</p>	<p>Plain and ordinary meaning</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Testimony of Dr. John Rodgers</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>’697 Patent, DYNA_697_0001091, at Claims 1, 4, 5, 9, 13, 14, 15, 2:1-16, 3:49-4:67, 5:42-55, 6:28-7:12, 7:35-8:62, 9:4-10:17, and Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding descriptions</p> <p>’697 Patent File History, DYNA_697_0000001, at DYNA_697_0000068-69, DYNA_697_0000071-72, DYNA_697_0000179-182, DYNA_697_0000205-206, DYNA_697_0000285-286, DYNA_697_0000288-290, DYNA_697_0000308-313, DYNA_697_0000529-532,</p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		<p>description; 2:1-16; 3:49-4:67; 5:42-55; 6:28-7:12 7:35-8:62; 9:1-10:17</p> <p><u>Prosecution History of '697 Patent:</u> November 12, 2019 Non-Final Rejection; February 12, 2020 Claim Amendments and Applicant Argument and Remarks in Response to Nov. 12, 2019 Non-Final Rejection; March 6, 2020 Notice of Allowance; March 26, 2020 Post Allowance Communication; March 26, 2020 Information Disclosure Statement; March 31, 2020 Notice of Allowance; April 22, 2020 Request for Continued Examination; April 22, 2020 Information Disclosure Statement; June 19, 2020 Office Action Appendices; June 19, 2020 Examiner Interview Summary Record; June 19, 2020 Notice of Allowance; June 26, 2020 Request for Continued Examination; June 26, 2020 Information Disclosure Statement; July 20, 2020 Information Disclosure Statement; August 5, 2020 Examiner Interview Summary Record; August 5, 2020 Notice of Allowance</p>	<p>DYNA_697_0000535-537, DYNA_697_0000676-678, DYNA_697_0001000-1003, DYNA_697_0001015-1016</p>
pin connector assembly	1	“plurality of parts that are fitted together to form a component with pins for connecting two guns or tools”	<p>Plain and ordinary meaning</p> <p><b><u>Extrinsic Evidence:</u></b></p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		<p><b><u>Extrinsic Evidence:</u></b></p> <p>Declaration of John Rodgers, Ph.D., Ex. 2002 to PGR 2020-00080.</p> <p>G&amp;H000364-366 (available at <a href="https://www.lexico.com/en/definition/assembly">https://www.lexico.com/en/definition/assembly</a>)</p> <p>G&amp;H000355-363 (available at <a href="https://www.merriam-webster.com/dictionary/assembly">https://www.merriam-webster.com/dictionary/assembly</a>)</p> <p>G&amp;H000349-354 (available at <a href="https://www.dictionary.com/browse/assembly">https://www.dictionary.com/browse/assembly</a>)</p> <p>G&amp;H000339-348 (available at <a href="https://dictionary.cambridge.org/us/dictionary/english/assembly">https://dictionary.cambridge.org/us/dictionary/english/assembly</a>)</p> <p>G&amp;H000332-338 (available at <a href="https://www.macmillandictionary.com/us/dictionary/american/assembly">https://www.macmillandictionary.com/us/dictionary/american/assembly</a>)</p> <p>G&amp;H000311-331 (<i>Safe Bed Techs. Co. v. KCI USA, Inc.</i>, No. 02 C 0097, 2004 WL 2044277,</p>	<p>Testimony of Dr. John Rodgers</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'697 Patent, DYNA_697_0001091, at Claims 1, 3, 5, 6, 7, 14, 16, 19, 21, 2:1-16, 3:49-4:67, 5:42-55, 6:28-7:12, 7:35-8:62, 9:4-10:17, and Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding descriptions</p> <p>'697 Patent File History, DYNA_697_0000001, at DYNA_697_0000053, DYNA_697_0000068-73, DYNA_697_0000285-290, DYNA_697_0000308-312, DYNA_697_0000529-533, DYNA_697_0000536-537, DYNA_697_0000675, DYNA_697_0000676-678, DYNA_697_0000802-803, DYNA_697_0000907-908, DYNA_697_0001000-1004, DYNA_697_0001016</p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		<p>(N.D. Ill. Sept. 8, 2004) (<i>Quoting</i> Webster's Third New International Dictionary 131 (1986)))</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><u>'697 Patent</u>: Claims 1, 3, 5, 6, 7, 14, 16, 19, 21; Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding description; 2:1-16; 3:49-4:67; 5:42-55; 6:28-7:12 7:35-8:62; 9:1-10:17</p> <p><u>Prosecution History of '697 Patent</u>: November 12, 2019 Non-Final Rejection; February 12, 2020 Claim Amendments and Applicant Argument and Remarks in Response to Nov. 12, 2019 Non-Final Rejection; March 6, 2020 Notice of Allowance; March 26, 2020 Post Allowance Communication; March 26, 2020 Information Disclosure Statement; March 31, 2020 Notice of Allowance; April 22, 2020 Request for Continued Examination; April 22, 2020 Information Disclosure Statement; June 19, 2020 Office Action Appendices; June 19, 2020 Examiner Interview Summary Record; June 19, 2020 Notice of Allowance; June 26, 2020 Request for Continued Examination; June 26, 2020 Information Disclosure Statement; July 20, 2020 Information Disclosure Statement; August 5, 2020</p>	

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		Examiner Interview Summary Record; August 5, 2020 Notice of Allowance	
first pin connector end second pin connector end	1	<p>“first end of the pin connector assembly”</p> <p>“second end of the pin connector assembly”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b><u>’697 Patent:</u></b> Claims 1, 2, 9; Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding description; 2:1-16; 3:49-4:67; 5:42-55; 6:28-7:12 7:35-8:62; 9:1-10:17</p> <p><b><u>Prosecution History of ’697 Patent:</u></b> November 12, 2019 Non-Final Rejection; February 12, 2020 Claim Amendments and Applicant Argument and Remarks in Response to Nov. 12, 2019 Non-Final Rejection; March 6, 2020 Notice of Allowance; March 26, 2020 Post Allowance Communication; March 26, 2020 Information Disclosure Statement; March 31, 2020 Notice of Allowance; April 22, 2020 Request for Continued Examination; April 22, 2020 Information Disclosure Statement; June 19, 2020 Office Action Appendices; June 19, 2020 Examiner Interview Summary Record;</p>	<p>Plain and ordinary meaning</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Testimony of Dr. John Rodgers</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>’697 Patent, DYNA_697_0001091, at Claims 1, 2, 9, 2:1-16, 3:49-4:67, 5:42-55, 6:28-7:12, 7:35-8:62, 9:4-10:17, and Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding descriptions</p> <p>’697 Patent File History, DYNA_697_0000001, at DYNA_697_0000069, DYNA_697_0000073, DYNA_697_0000286, DYNA_697_0000290, DYNA_697_0000308, DYNA_697_0000313, DYNA_697_0000529, DYNA_697_0000535, DYNA_697_0000536-537</p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		June 19, 2020 Notice of Allowance; June 26, 2020 Request for Continued Examination; June 26, 2020 Information Disclosure Statement; July 20, 2020 Information Disclosure Statement; August 5, 2020 Examiner Interview Summary Record; August 5, 2020 Notice of Allowance	
it is not possible to interrupt the electrical signal from the first pin connector end to the second pin connector end	2	<p>Not Enabled and/or Indefinite</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Testimony of Dr. Gary Wooley</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><u>'697 Patent:</u> Claims 1, 2; Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding description; 2:1-16; 3:49-4:67; 5:42-55; 6:28-7:12 7:35-8:62; 9:1-10:17</p> <p><u>Prosecution History of '697 Patent:</u> November 12, 2019 Non-Final Rejection; February 12, 2020 Claim Amendments and Applicant Argument and Remarks in Response to Nov. 12, 2019 Non-Final Rejection; March 6, 2020 Notice of Allowance; March 26, 2020 Post</p>	<p>Plain and ordinary meaning</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Testimony of Dr. John Rodgers</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><u>'697 Patent, DYNA_697_0001091, at Claims 1, 2, 2:1-16, 3:49-4:67, 5:42-55, 6:28-7:12, 7:35-8:62, 9:4-10:17, and Figs. 1, 19, 25, 26, 32, 33, 35B and corresponding descriptions</u></p> <p><u>'697 Patent File History, DYNA_697_0000001, at DYNA_697_0000069, DYNA_697_0000072, DYNA_697_0000286, DYNA_697_0000289, DYNA_697_0000308, DYNA_697_0000311,</u></p>

<u>Claim term</u>	<u>Claims</u>	<u>Counterclaim Defendants' Construction and</u>	<u>DynaEnergetics' Construction</u>
		Allowance Communication; March 26, 2020 Information Disclosure Statement; March 31, 2020 Notice of Allowance; April 22, 2020 Request for Continued Examination; April 22, 2020 Information Disclosure Statement; June 19, 2020 Office Action Appendices; June 19, 2020 Examiner Interview Summary Record; June 19, 2020 Notice of Allowance; June 26, 2020 Request for Continued Examination; June 26, 2020 Information Disclosure Statement; July 20, 2020 Information Disclosure Statement; August 5, 2020 Examiner Interview Summary Record; August 5, 2020 Notice of Allowance	DYNA_697_0000529, DYNA_697_0000532, DYNA_697_0000677, DYNA_697_0001000

Dated: July 8, 2021

/s/ Amir Alavi

Amir Alavi, Attorney-in-Charge  
 State Bar No.: 00793239  
 Southern District ID No. 20910  
 Todd Mensing  
 State Bar No.: 24013156  
 Southern District ID No. 302944

Respectfully submitted,

/s/ Barry J. Herman

Barry J. Herman (*pro hac vice*), Attorney-in-Charge  
 WOMBLE BOND DICKINSON (US) LLP  
 Admitted to the Maryland State Bar  
 100 Light St, 26<sup>th</sup> Floor  
 Baltimore, MD 21202  
 Telephone: (410) 545-5830

Michael McBride  
State Bar No.: 24065700  
Southern District ID No. 3554928  
Colin Phillips  
State Bar No.: 24105937  
Southern District ID No. 3576569  
Joshua Wyde  
State Bar No.: 24060858  
Southern District ID No. 873284  
Steven Jugle  
State Bar No. 24083280  
Southern District ID No. 3633066  
Michael Killingsworth  
State Bar No. 24110089  
Southern District ID No. 3372610

**AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING P.C.**  
1221 McKinney Street, Suite 2500  
Houston, Texas 77010  
(713) 655-1101

aalavi@azalaw.com  
tmensing@azalaw.com  
mmcbride@azalaw.com  
cphillips@azalaw.com  
jwyde@azalaw.com  
sjugle@azalaw.com  
mkillingsworth@azalaw.com

Email: Barry.Herman@wbd-us.com  
  
WOMBLE BOND DICKINSON (US) LLP  
Preston H. Heard (*pro hac*)  
Georgia Bar No. 476319  
271 17th Street, NW, Suite 2400  
Atlanta, GA 30363  
Telephone: (404) 888-7366  
Email: Preston.Heard@wbd-us.com  
Stephanie Nguyen (*pro hac vice*)  
DC Bar No. 1046300  
Julie Giardina (*pro hac vice*)  
Admitted to the Maryland State Bar  
100 Light St, 26<sup>th</sup> Floor  
Baltimore, MD 21202  
Telephone: (410) 545-5800  
Email: Stephanie.Nguyen@wbd-us.com  
Email: Julie.Giardina@wbd-us.com

MOYLES IP, LLC  
Lisa J. Moyles (*pro hac vice*)  
Connecticut State Bar No. 425652  
Jason M. Rockman (*pro hac vice*)  
New York Bar No. 4450953  
One Enterprise Drive, Suite 428  
Shelton, CT 06484  
Telephone: (203) 428-4420  
Email: lmoyles@moylesip.com  
Email: jrockman@moylesip.com

RUSTY HARDIN & ASSOCIATES, LLP

**ATTORNEYS FOR PLAINTIFF AND  
COUNTERCLAIM DEFENDANT G&H  
DIVERSIFIED MANUFACTURING, LP AND  
COUNTERCLAIM DEFENDANT YELLOW JACKET  
OIL TOOLS, LLC**

Megan C. Moore  
Federal Bar No. 963966  
Texas Bar No. 24054322  
5 Houston Center  
1401 McKinney Street, Suite 2250  
Houston, Texas 77010  
Telephone: (713) 652-9000  
Email: mmoore@rustyhardin.com

*Attorneys for Defendants and Counterclaim-Plaintiffs  
DynaEnergetics Europe GmbH and DynaEnergetics US,  
Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the July 8, 2021, a copy of the foregoing was served on the following party electronically through the U.S. District Court, Southern District of Texas ECF system to all counsel of record all of whom are Filing Users of the Court's Electronic Filing System.

/s/ Amir Alavi  
Amir Alavi